

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**UNITED STATES OF AMERICA,
Plaintiff,**

v.

Criminal Action No. 1:14-cr-39

**ANGELA DAVIS;
APRIL DAVIS,
Defendants.**

REPORT AND RECOMMENDATION/OPINION

This matter is before the Court pursuant to Defendant Angela Davis' "Motion to Suppress Pharmacy Records and Memorandum of Points and Authorities" (Docket No. 45) and "Motion to Suppress FedEx Package and Memorandum of Points and Authorities" (Docket No. 46), both filed on July 2, 2014, and Defendant April Davis' "Motion to Suppress All Documents Relating to April Davis Seized Based Upon Search Warrants Issued October 7, 2013 and April 14, 2014 and Incorporated Memorandum," filed on July 7, 2014 (Docket No. 52), and "Motion to Exclude Testimony of Witness B.S. and Incorporated Memorandum," filed on July 8, 2014 (Docket No. 53). Defendant Angela Davis' motions were referred to the undersigned by United States District Judge Irene M. Keeley on July 3, 2014 (Docket No. 51.) Defendant April Davis' motions were referred to the undersigned by Judge Keeley on July 8, 2014. (Docket No. 54.) The Government filed its responses to Angela Davis' motions on July 9 and 11, 2014. (Docket Nos. 56 and 61.)

On September 23, 2014, Angela Davis entered a plea of Guilty to Count One of the Indictment, which charged her with conspiracy to possess with intent to distribute and to distribute Schedule II controlled substances, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 846. That same day, April Davis entered a plea of Guilty to a one-count Information charging her with

aiding and abetting the fraudulent obtaining possession of controlled substances, in violation of 21 U.S.C. §§ 843(a)(3), 841(b)(1)(C), and 18 U.S.C. § 2, in Criminal No. 1:14-cr-62. Neither of the Defendants' pleas were conditionally entered allowing for a future appeal of any decision of their pending suppression motions.

Given Defendants' pleas of guilty, the undersigned **RECOMMENDS** that their pretrial motions (Docket Nos. 45, 46, 52, and 53) be **DENIED AS MOOT**.

Any party may, within fourteen days after being served with a copy of this Report and Recommendation, file with the Clerk of the Court written objections identifying the portions of the Report and Recommendation to which objection is made, and the basis for such objection. A copy of such objections should also be submitted to the Honorable John Preston Bailey, Chief United States District Judge. Failure to timely file objections to the Report and Recommendation set forth above will result in waiver of the right to appeal from a judgment of this Court based upon such report and recommendation. 28 U.S.C. § 636(b)(1); United States v. Schronce, 727 F.2d 91 (4th Cir. 1984), cert. denied, 467 U.S. 1208 (1984); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985); Thomas v. Arn, 474 U.S. 140 (1985).

The Clerk of the Court is directed to send a copy of this Report and Recommendation to counsel of record.

Respectfully submitted this 7th day of October, 2014.

John S. Kaull

JOHN S. KAULL
UNITED STATES MAGISTRATE JUDGE